

IN SENATE OF THE UNITED STATES.

FEBRUARY 3, 1846.

Submitted, and ordered to be printed.

Mr. JARNAGIN made the following

REPORT:

The Committee on Indian Affairs, to whom has been referred the claim of Archibald R. S. Hunter for compensation for corn, peas, and beans, furnished by him to Cherokee Indians in 1836, have had the same under consideration, and have agreed upon the following report :

This claim is presented in such an indefinite shape that, if no other objections could be well taken against it, the committee think it could not be allowed. It is as follows, to wit :

<i>United States,</i>		<i>To Archibald R. S. Hunter,</i>	<i>DR</i>
August, 1843.	To corn, peas, and beans, furnished Cherokee Indians in 1836—700 bushels, at \$1 50 -		\$1,050 00
	To interest for seven years - - -		441 00
			<u>\$1,491 00</u>

If it were sustained by proof, which is not the case, the committee can find no legal or equitable obligation on the United States to pay it. It is not provided for in the 18th article of the treaty of 1835-'6, between the United States and the Cherokee nation of Indians, nor by any other article of that treaty. It is alleged, in the proof presented, that Mr. Hunter acted under the authority of John F. Schermerhorn, the United States commissioner to negotiate said treaty, and a letter of his to the Commissioner of Indian Affairs, dated July 4th, 1836, is presented to the committee. The authority of Mr. Schermerhorn to order or direct supplies to be furnished to the Indians is not directly asserted ; but, if it were, it would not be recognised by this committee. Neither the account nor the proofs show that the Indians furnished were poor, needy, or objects of charity, nor how much was furnished to any one, nor when, except in the year 1836. The account was not made out till August, 1843, nor does it appear to have ever been presented to Congress till December, 1844, some time after the death of Mr. Hunter.

The committee recommend the adoption of the following resolution :

Resolved, That the claim of Archibald R. S. Hunter, for supplies furnished the Cherokee Indians in 1836, ought not to be allowed or paid.

